APPENDIX A.

Order Re Publicity.

Superior Court of the State of California, for the County of Los Angeles.

People of the State of California, Plaintiffs, vs. Sirhan Bishara Sirhan, Defendant. No. A 233421.

The Grand Jury having returned an indictment in this matter on this date, June 7, 1968, this Court now has jurisdiction over all proceedings in this case for the first time. Therefore, the Court is now in a legal position to make certain orders respecting this matter.

Under our Constitution, each defendant is entitled to the due process of the law and to a fair trial. This Court has an affirmative duty to do everything possible within its Constitutional powers and jurisdiction to make certain that each defendant does receive a fair trial.

In order to fulfill that Constitutional duty to guarantee that the defendant does receive a fair trial, and because of the obvious public interest in this matter which has produced massive news media publicity, and it further appearing to the Court that the dissemination by any means of public communication of any out-of-court statements relating to this case may interfere with the Constitutional right of the defendant to a fair trial and disrupt the proper administration of justice, the Court, on its own motion, will now issue the following orders, a violation of which will result in swift action to punish for contempt any offender within the jurisdiction of this Court.

It is the order of this Court that no party to this action, nor any attorney connected with this case as

defense counsel or as prosecutor, nor any other attorney, nor any judicial officer or employee, nor any public official, including but not limited to any chief of police, nor any sheriff, nor any agent, deputy, or employee of any such persons nor any grand juror, nor any witness having appeared before the Grand Jury in this matter, nor any person subpoenaed to testify at the trial of this matter, shall release or authorize the release for public dissemination of any purported extrajudicial statement of the defendant relating to this case, nor shall any such persons release or authorize the release of any documents, exhibits, or any evidence, the admissibility of which may have to be determined by the Court, nor shall any such person make any statement for public dissemination as to the existence or possible existence of any document, exhibit, or any other evidence, the admissibility of which may have to be determined by the Court. Nor shall any such persons express outside of court an opinion or make any comment for public dissemination as to the weight, value, or effect of any evidence as tending to establish guilt or innocence. Nor shall any such persons make any statement outside of court as to the nature, substance, or effect of any testimony that has been given. Nor shall any such persons issue any statement as to the identity of any prospective witness, or his probable testimony, or the effect thereof. Nor shall any person make any out-of-court statement as to the nature, source, or effect of any purported evidence alleged to have been accumulated as a result of the investigation of this matter. Nor shall any such person or any witness, whether or not under subpoena, make any statement as to the content, nature, substance, or effect of any

testimony which may be given in any proceeding related to this matter, except that a witness may discuss any matter with any attorney of record or agent thereof.

This order does not include any of the following:

1. Factual statements of the accused person's name, age, residence, occupation, and family status.

2. The circumstances of the arrest, namely, the time and place of the arrest, the identity of the arresting and investigating officers and agencies, and the length of the investigation.

3. The nature, substance, and text of the charge, including a brief description of the offenses charged.

4. Quotations from, or any reference without comment to, public records of the Court in the case, or to other public records or communications heretofore disseminated to the public.

5. The scheduling and result of any stage of the judicial proceeding held in open court in an open or public session.

6. A request for assistance in obtaining evidence.

7. Any information as to any person not in custody who is sought as a possible suspect or witness, nor any statement aimed at warning the public of any possible danger as to such person not in custody.

8. A request for assistance in the obtaining of evidence or the names of possible witnesses.

Further, this order is not intended to preclude any witness from discussing any matter in connection with the case with any of the attorneys representing the de-

fendant or the People, or any representative of such attorneys.

It is further ordered that a copy of this order be attached to any subpoena served on any witness in this matter, and that the return of service of the subpoena shall also include the fact of service of a copy of this order.

This order shall be in force until this matter has been disposed of or until further order of Court.

Dated: June 7, 1968

/s/ ARTHUR L. ALARCON
Arthur L. Alarcon
Judge of the Superior Court

APPENDIX B.

Notice of Motion to Vacate or Modify Order of June 7, 1968 Re Publicity.

Superior Court of the State of California, for the County of Los Angeles.

People of the State of California, Plaintiff, v. Sirham Bishara Sirhan, Defendant. No. A-233421.

TO: THE SUPERIOR COURT OF LOS ANGELES COUNTY, DEPARTMENT 100, JUDGE RICHARD SCHAUER, PRESIDING, AND TO RUSSELL PARSONS, ATTORNEY FOR THE ABOVE-NAMED DEFENDANT:

Please take notice that on July 26, 1968, or as soon thereafter as the matter may be heard, in Department 100 of the Superior Court of Los Angeles County, the District Attorney of Los Angeles County will move the court to vacate or modify that certain order of June 7, 1968, entitled "Order Re Publicity" issued in the above-entitled matter.

This motion will be based on the premise that the existing order is unduly restrictive of fair comment by law enforcement agencies entrusted with the duty of investigating and prosecuting the above-entitled case in certain areas which are of legitimate public interest and concern.

Respectfully submitted,
EVELLE J. YOUNGER
District Attorney of Los Angeles County
By LYNN D. COMPTON
Lynn D. Compton
Chief Deputy District Attorney

APPENDIX C.

Order Re Publicity.

Superior Court of the State of California, for the County of Los Angeles.

People of the State of California, Plaintiff, v. Sirhan Bishara Sirhan, Defendant. No. A 233421.

The Grand Jury having returned an indictment in this matter on this date, June 7, 1968, this court now has jurisdiction over all proceedings in this case for the first time. Therefore, the court is now in a legal position to make certain orders respecting this matter.

Under our Constitution, each defendant is entitled to the due process of the law and to a fair trial. This court has an affirmative duty to do everything possible within its constitutional powers and jurisdiction to make certain that each defendant does receive a fair trial.

In order to fulfill that constitutional duty to guarantee that the defendant does receive a fair trial, and because of the obvious public interest in this matter which has produced massive news media publicity, and it further appearing to the court that the dissemination by any means of public communication of any out-of-court statements relating to this case may interfere with the constitutional right of the defendant to a fair trial and disrupt the proper administration of justice, the court, on its own motion, will now issue the following orders, a violation of which will result in swift action to punish for contempt any offender within the jurisdiction of this court.

It is the order of this court that no party to this action nor any attorney connected with this case as

defense counsel or as prosecutor, nor any other attorney associated with this case, nor any judicial attache or employee, nor any public official, including but not limited to say chief of police, nor any sheriff, nor any agent, deputy, or employee of any such persons nor any grand juror, nor any witness having appeared before the Grand Jury in this matter, nor any person subpoenaed to testify at the trial of this matter, shall release or authorize the release for public dissemination of any purported extrajudicial statement of the defendant relating to this case, nor shall any such persons release or authorize the release of any documents, exhibits, or any evidence, the admissibility of which may have to be determined by the court, nor shall any such person make any statement for public dissemination as to the existence or possible existence of any document, exhibit, or any other evidence, the admissibility of which may have to be determined by the court. Nor shall any such persons express outside of court an opinion or make any comment for public dissemination as to the weight, value, or effect of any evidence as tending to establish guilt or innocence. Nor shall any such persons make any statement outside of court for public dissemination as to the weight and value or effect of any testimony that has been given. Nor shall any such persons issue any statement for public dissemination as to the identity of any prospective witness, or his probable testimony, or the effect thereof. Nor shall any such person make any out-of-court statement for public dissemination as to the weight, value, or effect of any purported evidence alleged to have been accumulated as a result of the investigation of this matter. Nor shall any such person make any statement for public dissemination as to the content, na-

ture, substance, or effect of any testimony which may be given in any proceeding related to this matter, except that a witness may discuss any matter with any attorney of record or agent thereof.

This order does not include any of the following:

1. Factual statements of the accused person's name, age, residence, occupation, and family status.

2. The circumstances of the arrest, namely, the time and place of the arrest, the identity of the arresting and investigating officers and agencies, and the length of the investigation.

3. The nature, substance, and text of the charge, including a brief description of the offenses charged.

4. Quotations from, or any reference without comment to, public records of the court in the case, or to other public records or communications heretofore disseminated to the public.

5. The scheduling and result of any stage of the judicial proceeding held in open court in an open or public session.

6. A request for assistance in obtaining evidence.

7. Any information as to any person not in custody who is sought as a possible suspect or witness, nor any statement aimed at warning the public of any possible danger as to such person not in custody.

8. A request for assistance in the obtaining of evidence or the names of possible witnesses.

Further, this order is not intended to preclude any witness from discussing any matter in connection with the case with any of the attorneys representing the de-

fendant or the People, or any representative of such attorneys.

It is further ordered that a copy of this order be attached to any subpoena served on any witness in this matter, and that the return of service of the subpoena shall also include the fact of service of a copy of this order.

This order shall be in force until this matter has been disposed of or until further order of court.

Dated: June 7, 1968.

/s/ ARTHUR L. ALARCON
Arthur L. Alarcon
Judge of the Superior Court

APPENDIX D.

Argument and Points and Authorities in Support of Motion to Vacate or Modify Order of June 7, 1968 Re Publicity.

Superior Court of the State of California, for the County of Los Angeles.

People of the State of California, Plaintiff, v. Sirhan Bishara Sirhan, Defendant. No. A-233421.

I
PRELIMINARY STATEMENT

The order under examination presents more than the usual conflict of free speech and free press versus fair trial. It ignores the often overlooked basis of these rights; the dimension of legitimate public interest in governmental activity.

Implicit in the constitutionally guaranteed freedoms of speech and press is the right of the public to be informed of all relevant facts of a major event. A defendant's fundamental right to a fair trial is not jeopardized by such disclosure.

The prosecution initiates and pursues this argument not to detract from such a fair trial, but to advocate the important and perhaps paramount right of fair disclosure of legitimate information to a properly interested and involved public.

The right of free speech is not an end but a means; the right of a free press not a means nor end but a necessity; and both are vital and viable and equally inseparable to the public interest, which is, and must remain, the cornerstone of constitutional guarantees essential to our selective and elective form of government.

The importance and scope of this right of public disclosure is clearly reflected in the following language of the California Supreme Court:

> ". . . the greatest publicity to the acts of those holding positions of public trust and the greatest freedom in the discussion of proceedings of public tribunals . . . are regarded as essential to the public welfare. . . . The public have the right to know and discuss all judicial proceedings, unless such right is expressly interdicted by constitutional or statutory provisions, or unless the publication prohibited by the order of the court is of such a nature as to obstruct or embarrass the court in its administration of the law and the execution of the powers expressly conferred upon it." (*In re Shortridge* [1893] 99 Cal. 526, 530-531.)

II

THE ORDER OF JUNE 7, 1968, IN RE PUBLICITY IS IN VIOLATION OF THE CONSTITUTIONAL GUARANTEE OF FREE SPEECH AND INDIRECTLY VIOLATIVE OF THE CONSTITUTIONAL GUARANTEE OF THE FREEDOM OF PRESS

The persons subject to this order are enumerated as follows:

(1) A party to this action,

(2) Any attorney connected with this case as defense counsel or as prosecutor,

(3) Any other attorney associated with this case,

(4) Any judicial attache or employee,

(5) Any public official, including but not limited to any chief of police, or any sheriff;

(6) Any agent, deputy, or employee or any such persons,

(7) Any grand juror,

(8) Any witness having appeared before the Grand Jury in this matter,

(9) Any person subpoenaed to testify at the trial of this matter.

These enumerated groups are prohibited from doing the following:

Release or authorize the release for public dissemination:

Release or authorize the release for public dissemination:

(1) Any purported extrajudicial statement of the defendant relating to this case,

(2) Any documents, exhibits, or any evidence, the admissibility of which may have to be determined by the court,

(3) Any statement as to the existence or possible existence of any document, exhibit, or any other evidence, the admissibility of which may have to be determined by the court,

(4) An opinion or any comment outside of court as to the weight, value or effect of any evidence as tending to establish guilt or innocence,

(5) Any statement outside of court on the weight, value or effect of any testimony that has been given,

(6) Any statement as to the identity of any prospective witness, or his probable testimony, or the effect thereof,

(7) Any out-of-court statement as to the weight, value or effect of any purported evidence al-

leged to have been accumulated as a result of the investigation,

(8) Any statement as to the content, nature, substance or effect of any testimony which may be given in any proceeding related to this matter.

The objective of the above enumerated restrictions as succinctly expressed in the following quotation from the preamble to this order:

> ". . . it further appearing to the court that the dissemination by *any* means of public communication of any out-of-court statements *relating* to this case *may* interfere with constitutional right of the defendant to a fair trial and disrupt the proper administration of justice . . ." (Emphasis added.)

Fairly interpreted, the above provisions of the existing order appear to preclude comment by any informed official source respecting the existence or non-existence of any evidence which might conceivably arise in trial without regard to the remoteness of such eventuality. Implicit in this order is the assumption that any comment must be prejudicial.

The vice of the above order is that it wholly ignores the judicial history and precedent of effectuating a balance between the constitutional guarantees of free speech and fair trial. In determining what restraint on freedom of speech and press are reasonable under specific circumstances, the courts have firmly established the "clear and present danger" test.

This "clear and present danger" rule was first set forth by the United States Supreme Court in *Bridges v. California* (1941) 314 U.S. 252, 62 S.Ct. 190, 86 L.Ed. 192. Under the holding of the *Bridges* case, in order to sustain a constructive contempt, the words

must be used in such circumstances and must be of such a nature as to create a clear and present danger that they will bring about a substantive evil. This evil must be extremely serious and the degree of imminence extremely high before the utterances can be punished.

The *Bridges* case also holds that a public utterance or publication is not to be denied the constitutional protection of freedom of speech and press merely because it concerns a judicial proceeding still pending in the courts upon the theory that in such case it must necessarily tend to obstruct the orderly and fair administration of justice.

Other cases in which the clear and present danger rule was followed by the United States Supreme Court include:

Wood v. Georgia (1962) 370 U.S. 375, 82 S.Ct. 1364, 8 L.Ed.2d 569;

Pennekamp v. Florida (1946) 328 U.S. 331, 90 L.Ed. 1295;

Craig v. Harney (1947) 331 U.S. 367, 67 S.Ct. 1249, 91 L.Ed. 1546; and

Thomas v. Collins (1945) 323 U.S. 516, 89 L.Ed. 430.

In *Wood v. Georgia, supra,* the court specifically stated that out-of-court publications regarding judicial proceedings are protected by the constitutional guarantee of freedom of speech and press, and these rights can only be impaired if there is an extremely high degree of imminence of an extremely serious evil and there is no doubt that the utterances in question constitute an imminent and not merely a likely threat to the administration of justice.

A court, in balancing interests of such magnitude as free speech and free press, cannot act arbitrarily or capriciously. Under the specific circumstances of any particular case, a court must have real and substantial reasons to justify any abridgment of constitutional guarantees. Absent a clear and present danger to a fair trial of a defendant, a court is without jurisdiction to effectuate any order restrictive of free speech or press. Assuming the reasonable probability of prejudice to a defendant, the court has jurisdiction as well as responsibility to promulgate necessary restrictive orders. In such a case, the court is still required to balance all constitutional guarantees on the fulcrum of legitimate public interest.

The existing order is invalid in that it substitutes the vagueness of mere possibility for the reasonable probability of prejudice envisioned by the "clear and present danger" test. It is axiomatic that a court exceeds its jurisdiction when it attempts to enjoin conduct beyond its power to enforce obedience.

III

THE ORDER OF JUNE 7, 1968, IN RE PUBLICITY IS VIOLATIVE OF SOUND PUBLIC POLICY

Independent of the constitutional issue, a grave question of policy must be resolved as to the ultimate wisdom of any order seeking to inhibit free expression in any area of constitutional protection. Immediate acceptance of the Reardon Report philosophy ignores strong precedent and persuasive authority.

Article I, Section 9, California Constitution unequivocally provides that:

"Every citizen may freely speak, write and publish his sentiments on all subjects, being responsible for the abuse of that right; and no law shall be passed to restrain or abridge the liberty of speech or of the press . . ."

In *Wood v. Georgia, supra,* the Court observed:

". . . the role that elected officials play in our society make it all the more imperative that they are allowed to freely express themselves on matters of current public importance. ". . . A broad conception of the First Amendment is necessary 'to supply the public need for information and education with respect to the significant issues of the times.' "

As stated in *Sheppard v. Maxwell* (1966) 384 U.S. 333, 86 S.Ct. 1507:

"A responsible press has always been regarded as the handmaiden of effective judicial administration, especially in the criminal field. . . The press does not simply publish information about trials but guards against the miscarriage of justice by subjecting the police, prosecutors, and judicial processes to extensive public scrutiny and criticism."

The best expression of public policy in this field is found and discussed in the recent case of the *County of Los Angeles v. Superior Court of the State of California for the County of Los Angeles* (1967) 62 Cal.Rptr. 435 at p. 448:

"As usual, says the Medina Committee 'there is, on the one hand, the question of power or jurisdiction and, on the other hand, the question of

policy. Moreover, one cannot consider the two questions *in vacuo*. They must be discussed in relation to the groups of persons who would be affected by the control of prejudicial publicity. Thus, starting with the commission of the crime or the arrest of the accused or the filing of the indictment or information and continuing up to the time of the commencement of the trial or thereabouts, it is a serious question, both of power and of policy, whether the court in which the case is to be tried, or any court, should, by rule of court, by authority of legislative enactment, or by virtue of some competence supposed to be inherent in the judicial function, have the right, vis-a-vis lawyers, members of the police force, or representatives of the press, to proscribe the publication or utterance of matter deemed prejudicial to the right of the accused to a fair trial. If such right exists, either actually or *in ovo*, then the judges, in this pretrial period, must have the power to fine and imprison as for contempt of court all lawyers, members of the police force, and representatives of the press who violate the orders or rule of proscription. The prospect, in this pretrial period, of judges of various criminal courts of high and low degree sitting as petty tyrants, handing down sentences of fine and imprisonment for contempt of court against lawyers, policemen, and reporters and editors, is not attractive. Such an innovation might well cut prejudicial publicity to a minimum. But at what a price!

"Initially a distinction must be drawn within the word 'pretrial' between the purely investigatory

stage before any judicial proceeding has been instituted and the second stage which begins when the defendant is brought before a commissioner or magistrate or when a grand jury proceeding has commenced. The Committee is firmly of the opinion that the courts lack any power whatsoever over the police or the news media during the first stage of the pretrial period, except to ever-present power to control activities in and around the courthouse.

"During the second stage, the authority of the court increased to encompass those judicial or quasi-judicial proceedings. . . . Nevertheless, with respect to the police and the press in the entire pretrial period we think it unwise and detrimental to the public interest to give such contempt powers to the courts and the judges. Moreover, we think that such proceedings and the court rules, legislation or what not else authorizing such contempt proceedings might well be held to be a violation of the First Amendment guarantees of free press and free speech. Furthermore, as to the police, we find no authority inherent in the courts or the judges to discipline them for alleged breach of their duties as police officers.' (Medina Report, pp. 39-40.)"

IV

IN LIEU OF ABSOLUTE REVOCATION THE COURT SHOULD MODIFY THE EXISTING ORDER

In a proper case and for reasonable cause shown, a court has jurisdiction to issue a restrictive order addressed to the parties litigant and attorneys before the court. The inclusion of law enforcement and other

governmental agencies having access to information relative to the proceedings exceeds the court's jurisdiction.

In commenting on the landmark decision of *Sheppard v. Maxwell, supra,* the District Court of Appeal in *County of Los Angeles v. Superior Court of the State of California for the County of Los Angeles, supra,* held as follows:

> "The opinion in Sheppard shows that the court does no more than urge control of prejudicial pretrial publicity by the adoption and enforcement of appropriate rules and regulations. Thus, the court suggested that the making of statements by any attorney appearing in a criminal case should be prohibited by appropriate rules of court governing the professional conduct of attorneys, as was done in State v. Van Duyne, 43 N.J. 369, 204 A.2d 841, 850, 11 A. L.R.3d 1086, by its interpretation of Canon 20 of the American Bar Association Canons of Professional Ethics. At the same time the court recognized that the courts have no direct control over the dissemination of potentially prejudicial information by law enforcement officers and said that such control should be exercised by the appropriate city and county officials." (62 Cal. Rptr. at p. 446.)

If there exists a substantial doubt as to the jurisdiction of a court to restrain the utterances of other agencies of government, there can be no rational justification for an order purporting to restrain the public utterances of individuals distantly connected with the proceedings. Assuming, arguendo, the propriety of an order restraining publicity directed to law enforce-

ment agencies, the court must recognize that persons not specifically mentioned in the order, or persons unaware of the provisions of the order, may from time to time divulge or suggest to various news media the existence or purported existence of certain witnesses or evidence purportedly affecting the investigation of the instant matter. The court should further recognize that investigation on the part of duly authorized law enforcement agencies may discredit the claimed existence of such witnesses or evidence. In such event, it is respectfully submitted that in the public interest the said law enforcement agencies should be permitted to reveal to the various news media the fact of such investigation and the evaluation thereof.

CONCLUSION

There is presently existing a broad and inclusive order of this court directed toward all parties remotely connected with this case and directing said parties to refrain from making any statements relevant to this case with minor enumerated exceptions. There is in this order no statement of foundational fact necessitating the order other than the conclusion that any publicity may result in prejudice to the right of a fair trial. At the time of the issuance of the order on June 7, 1968, a review of the publicity attending this case fails to demonstrate a necessity for such an order. For these two reasons, the District Attorney therefore requests that this court consider and revoke the instant order, reserving the power to issue an appropriate order in the future, if circumstances require.

In the alternative, the District Attorney respectfully requests that the court consider a modification of the existing order by removing improperly designated per-

sons and further limiting the category of prohibited statements.

To this end, the District Attorney has prepared and appended to these points and authorities a suggested order which we conceive to be within the limits of constitutional guarantees and which will effectively serve the court's interest in protecting the defendant's right to a fair trial. This proposed order would allow representatives of law enforcement, in the public interest, to rebut misleading or untrue publicity and to dispel public speculation concerning the investigation of this case.

Respectfully submitted,

EVELLE J. YOUNGER
District Attorney of Los Angeles County

By
LYNN D. COMPTON
Chief Deputy District Attorney

Order Re Publicity.

Superior Court of the State of California, for the County of Los Angeles.

People of the State of California, Plaintiff, v. Sirhan Bishara Sirhan, Defendant. No. A-233421.

The Grand Jury returned an indictment in this matter on June 7, 1968. On that date, this court issued an Order Re Publicity. As of this date, the Order of June 7, 1968, is revoked. The following Order is now issued regarding publicity.

Under our Constitution, each defendant is entitled to the due process of the law and to a fair trial. This Court has an affirmative duty to do everything possible within its Constitutional powers and jurisdiction to make certain that each defendant does receive a fair trial.

In order to fulfill that Constitutional duty to guarantee that the defendant does receive a fair trial, and because of the obvious public interest in this matter which has produced massive news media publicity, the Court now issues the following orders, a violation of which will result in swift action to punish for contempt any offender within the jurisdiction of this Court.

It is the Order of this Court that no party to this action, nor any attorney connected with this case as defense counsel or as prosecutor, nor any witness having appeared before the Grand Jury in this matter, nor any person subpoenaed to testify at the trial of this matter, shall release or authorize the release for public dissemination of any purported extrajudicial statement of the defendant relating to this case, nor shall any such persons release or authorize the release

of any documents, exhibits, or any evidence, the admissibility of which may have to be determined by the Court. Nor shall any such persons express outside of court an opinion or make any comment for public dissemination as to the weight, value, or effect of any evidence as tending to establish guilt or innocence.

The Court recognizes that persons not specifically mentioned in this Order may, from time to time, divulge or suggest to various news media the existence or possible existence of certain witnesses or evidence purportedly affecting the investigation of the instant matter and recognizes that investigation on the part of duly authorized law enforcement agencies may discredit the claimed existence of such witnesses or evidence. In such event, the said law enforcement agencies shall be permitted in the public interest to reveal to the various news media the face of such investigation, the evaluation thereafter and the reasons therefor.

Further, this Order is not intended to preclude any witness from discussing any matter in connection with the case with any of the attorneys representing the defendant or the People, or any representative of such attorneys.

It is further ordered that a copy of this Order be attached to any subpoena served on any witness in this matter, and that the return of service of the subpoena shall also include the fact of service of a copy of this Order.

This Order shall be in force until this matter has been disposed of or until further order of the Court.

Dated: This .... day of ....', 1968.

ARTHUR L. ALARCON
Judge of the Superior Court

APPENDIX E.

Order Re Publicity.

Superior Court of the State of California, for the County of Los Angeles.

People of the State of California, Plaintiffs, vs. Sirhan Bishara Sirhan, Defendant. No. A 233421.

Under our Constitution, each defendant is entitled to the due process of the law and to a fair trial. This Court has an affirmative duty to do everything possible within its constitutional powers and jurisdiction to make certain that each defendant does receive a fair trial.

In order to fulfill that constitutional duty to guarantee that the defendant does receive a fair trial, and because of the obvious public interest in this matter which has produced massive news media publicity, and it further appearing to the Court that the dissemination by any means of public communication of any out-of-court statements relating to this case may interfere with the constitutional right of the defendant to a fair trial and disrupt the proper administration of justice, the Court, on its own motion, will now issue the following orders, a violation of which will result in swift action to punish for contempt any offender within the jurisdiction of this Court.

It is the order of this Court that no party to this action, nor any attorney connected with this case as defense counsel or as prosecutor, nor any other attorney associated with this case, nor any judicial attache or employee, nor any public official, including but not limited to any chief of police or any sheriff, who has obtained information related to this action, which in-

formation has not previously been disseminated to the public, nor any agent, deputy, or employee of any such persons, nor any grand juror, nor any witness having appeared before the Grand Jury in this matter, nor any person subpoenaed to testify at the trial of this matter, shall release or authorize the release for public dissemination of any purported extrajudicial statement of the defendant relating to this case, nor shall any such persons release or authorize the release of any documents, exhibits, or any evidence, the admissibility of which may have to be determined by the Court, nor shall any such person make any statement for public dissemination as to the existence or possible existence of any document, exhibit, or any other evidence, the admissibility of which may have to be determined by the Court. Nor shall any such persons express outside of court an opinion or make any comment for public dissemination as to the weight, value, or effect of any evidence as tending to establish guilt or innocence. Nor shall any such persons make any statement outside of court for public dissemination as to the weight, value, or effect of any testimony that has been given. Nor shall any such persons issue any statement for public dissemination as to the identity of any prospective witness, or his probable testimony, or the effect thereof. Nor shall any such person make any out-of-court statement for public dissemination as to the weight, value, source, or effect of any purported evidence alleged to have been accumulated as a result of the investigation of this matter. Nor shall any such person make any statement for public dissemination as to the content, nature, substance, or effect of any testimony which may be given in any proceeding related

to this matter, except that a witness may discuss any matter with any attorney of record or agent thereof.

This order does not include any of the following:

1. Factual statements of the accused person's name, age, residence, occupation, and family status.

2. The circumstances of the arrest, namely, the time and place of the arrest, the identity of the arresting and investigating officers and agencies, and the length of the investigation.

3. The nature, substance, and text of the charge, including a brief description of the offenses charged.

4. Quotations from, or any reference without comment to, public records of the Court in the case, or to other public records or communications heretofore disseminated to the public.

5. The scheduling and result of any stage of the judicial proceeding held in open court in an open or public session.

6. A request for assistance in obtaining evidence.

7. Any information as to any person not in custody who is sought as a possible suspect or witness, nor any statement aimed at warning the public of any possible danger as to such person not in custody.

8. A request for assistance in the obtaining of evidence or the names of possible witnesses.

Further, this order is not intended to preclude any witness from discussing any matter in connection with the case with any of the attorneys representing the defendant or the People, or any representative of such attorneys.

It is further ordered that a copy of this order be attached to any subpoena served on any witness in this matter, and that the return of service of the subpoena shall also include the fact of service of a copy of this order.

This order shall be in force until this matter has been disposed of or until further order of Court.

Dated: August 2, 1968.

/s/ RICHARD SCHAUER
Richard Schauer
Judge of the Superior Court

EXHIBIT 2.

Los Angeles, Cal. Sep. 25, 1968

Title Younger Superior Court L.A. CO. No. 33638.

The Court: Petition for writ of mandate and prohibition denied.

Clay Robbins, Clerk

APPENDIX II.

Notice of Intention to Petition for Writ of Certiorari in the Supreme Court of the United States and Request for Certification of Record.

Court of Appeal of the State of California, Second Appellate District.

Evelle J. Younger, District Attorney of the County of Los Angeles, State of California, Petitioner, v. Superior Court of the State of California for the County of Los Angeles, Respondent, Sirhan Bishara Sirhan, Real Party in Interest. 2d Civ. 33638.

Petitioner hereby gives notice to the above-designated respondent and real party in interest of intention to petition for a writ of certiorari in the Supreme Court of the United States and hereby requests certification of record in the Court of Appeal to consist of the following:

(1) Petition for writ of certiorari in the Supreme Court or prohibition;

(2) Order denying said petition;

(3) Petition for hearing; and

(4) Notice of Supreme Court of California denying hearing in said matter.

DATED: This 14 day of October, 1968.

Respectfully submitted,
/s/ EVELLE J. YOUNGER
Evelle J. Younger
District Attorney of the
County of Los Angeles,
State of California
Petitioner in Propria Persona

DECLARATION OF SERVICE BY MAIL

State of California, County of Los Angeles—ss.

I, the undersigned, hereby declare under penalty of perjury, that the following is true and correct:

I am a citizen of the United States, over eighteen years of age, not a party to the within cause and employed in the Office of the District Attorney of Los Angeles County, with principal offices located at 600 Hall of Justice, Los Angeles, California 90012; that the District Attorney is one of the attorneys for the Plaintiff in the above-entitled matter. On October 14, 1968, I served the foregoing Notice of Intention to Petition for Writ of Certiorari in the Supreme Court of the United States and Request for Certification of Record on Honorable Donald R. Wright, the attorney of record for the Respondent in said action, by depositing a true copy thereof, enclosed in a sealed envelope with postage thereon fully prepaid in the United States mail in the City of Los Angeles, California addressed to his office (or residence) as follows: Hon. Donald R. Wright, Presiding Judge, Superior Court of the State of California for the County of Los Angeles, County Court House, 111 North Hill Street, Los Angeles, California 90012.

Executed on October 14, 1968, at Los Angeles, California.

/s/ JANIS TANIKAWA
Janis Tanikawa